

1086

# Legal Assistance Resource Center

## ❖ of Connecticut, Inc. ❖

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### S.B. 1086 -- Social Security dependents' benefits

Human Services Committee public hearing -- March 17, 2009

Testimony of Raphael L. Podolsky

Recommended Committee action: APPROVAL OF THE BILL

The legal aid programs sometimes represent non-custodial parents who are under child support orders from a time period when they were working but who become permanently disabled and unable to work. If they are approved for Social Security disability benefits, their children are automatically eligible to receive dependents' benefits on their account. Under the Child Support Guidelines, those payments are credited toward the parent's child support obligation. In most cases, the benefits will cover or exceed the entire child support obligation. Unfortunately, many months may go by before Support Enforcement Services (SES) begins crediting the account with those benefit payments, and many more months may pass before the disabled parent's support order is modified to reflect the fact that the parent can no longer work. During all this time, the disabled parent's arrearage will continue to grow.

This bill codifies the rule in the Child Support Guidelines that dependents' benefits are credited as child support payments except where the court order was issued as an add-on to those benefits, including a credit on the arrearage for months covered by a lump-sum retroactive payment. The bill requires SES to start crediting the benefits to the obligor's account within 30 days of being notified of them and to initiate a request to modify the support order if the parent's inability to work results in a substantial deviation from the amount of support to be paid under the Child Support Guidelines. The bill also requires SES to notify the custodial parent of the children's eligibility for dependents' benefits and to instruct that parent to apply to Social Security for those benefits if the child is not already receiving them and to inform SES of the results of that application so that the account can be properly credited. Notice to the custodial parent is especially important in cases where the disabled parent is not in touch with the custodial parent and cannot provide Social Security with a current address to which to send the benefits.

The bill thus assures that Social Security dependents' benefits will be accessed whenever they are available and that all parties to the support order are treated fairly.